

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 39

Bill No. 90-13

Introduced by Mr. Jones, Mr. Fink and Mr. Walker

By the County Council, October 21, 2013

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Introduced and first read on October 21, 2013  
Public Hearing set for November 18, 2013  
Bill Expires January 25, 2014

By Order: Elizabeth E. Jones, Administrative Officer

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A BILL ENTITLED

- 1 AN ORDINANCE concerning: Stormwater Management – Watershed Protection and  
2 Restoration Program  
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4 FOR the purpose of repealing certain provisions for the Watershed Protection and  
5 Restoration Fee and the Watershed Protection and Restoration Program; amending  
6 the Stormwater Restoration Fee and certain appeal provisions; providing for the  
7 applicability of the ordinance; and generally related to stormwater management.  
8  
9 BY repealing: §§ 13-7-101 (1) through (8) and (10) through (15); 13-7-103(b)  
10 through (p); 13-7-104(a); 13-7-106; and 13-7-107  
11 Anne Arundel County Code (2005, as amended)  
12  
13 BY renumbering: §§ 13-7-101 (9), (16) and (17) to be 13-7-101 (1), (2) and (3);  
14 13-7-103(q) to be 13-7-103(c); 13-7-104(b) and (e) through (h) to be 13-7-104(a)  
15 and (d) through (g); and 13-7-108 to be 13-7-106  
16 Anne Arundel County Code (2005, as amended)  
17  
18 BY repealing and reenacting with amendments and renumbering: § 13-7-104(c) and (d)  
19 to be (b) and (c)  
20 Anne Arundel County Code (2005, as amended)  
21  
22 BY repealing and reenacting without amendments: §§ 13-7-103(a)  
23 Anne Arundel County Code (2005, as amended)  
24  
25 BY adding: § 13-7-103 (b)  
26 Anne Arundel County Code (2005, as amended)

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
2 *Maryland,* that Sections 13-7-101 (1) through (8) and (10) through (15); 13-7-103(b)  
3 through (p); 13-7-104(a); 13-7-106; and 13-7-107 of the Anne Arundel County Code  
4 (2005, as amended) are hereby repealed.

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6 SECTION 2. *And be it further enacted,* that §§ 13-7-101 (9), (16) and (17); 13-7-  
7 103(q); 13-7-104(b) and (e) through (h) and 13-1-108 Anne Arundel County Code (2005,  
8 as amended) are hereby renumbered to be §§ 13-7-101 (1), (2) and (3) 13-7-103(c); 13-7-  
9 104(a) and (d) through (g); and 13-7-106, respectively.

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11 SECTION 3. *And be it further enacted,* that Sections(s) of the Anne Arundel County  
12 Code (2005, as amended) read as follows:

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14 **ARTICLE 13. PUBLIC WORKS**

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16 **TITLE 7. WATERSHED PROTECTION AND RESTORATION PROGRAM**

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18 **13-7-103. Stormwater remediation fee.**

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20 (a) **Fee established.** There is an excise tax known as the stormwater remediation  
21 fee imposed on the use of real property improved with impervious surface as required by  
22 Section 4-202.1(e) of the Environment Article of the State Code. The stormwater  
23 remediation fee may not be imposed on real property in the City of Annapolis.

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25 (B) **Rate.** THE STORMWATER REMEDIATION FEE SHALL BE \$1 PER YEAR.

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27 **13-7-104. Appeals.**

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29 [(c)] (B) **Grounds for appeal.** Grounds for appeal of the stormwater remediation  
30 fee include:

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32 (1) incorrect classification of real property for purposes of determining the  
33 stormwater remediation fee;

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35 [(2) a property in the category residential property, tier 1 having less  
36 impervious surface than the median impervious surface of residential property, tier 2, for  
37 a charge at the tier 2 level;

38  
39 (3) a property in the category residential property, tier 2 having less  
40 impervious surface than the median impervious surface of residential property, tier 3, for  
41 a charge at the tier 3 level;

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43 (4) for nonresidential or multifamily residential property, errors in the  
44 calculation of the impervious surface of the property;

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46 (5) mathematical errors in calculating the stormwater remediation fee;

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1           (6)] (2) the real property is not subject to the stormwater remediation fee under  
2 ' 13-7-105;

3  
4           [(7)] (3) the property owner is exempt from the stormwater remediation fee  
5 under ' 13-7-106; OR

6  
7           [(8)] (4) errors in the identification of the property owner of real property  
8 subject to the stormwater remediation fee[; or

9  
10           (9) for nonresidential property owned by a Homeowners Association, errors  
11 in the number of property tax accounts for the property owners within the boundaries of  
12 the Homeowners Association].

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14           [(d)] (C) **Application.** An appeal must be submitted in writing on an application form  
15 provided by the Department. A property owner shall include a detailed statement of the  
16 grounds of the appeal and all information or supporting documentation as required by the  
17 Department. Failure to provide all information required on the application form or to  
18 attach any relevant documentation is a basis for a denial of an appeal. [If the basis for  
19 appeal is:

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21           (1) that the zoning district of the real property is incorrect, the property owner  
22 shall provide proof of the zoning district of the property as shown on the Anne Arundel  
23 County Digital Zoning Layer adopted in accordance with ' 18-2-106 of this Code;

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25           (2) that there is an error in the calculation of the impervious surface of the  
26 property, the property owner shall supply documentation prepared and certified by a  
27 registered professional engineer or professional land surveyor of the impervious surface  
28 of the property; or

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30           (3) that there is an error in the number of dwellings or dwelling units that may be  
31 billed by a Homeowners Association, the property owner shall provide proof of the  
32 number of property tax accounts for the property owners within the boundaries of the  
33 Homeowners Association.]

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35           SECTION 4. And be it further enacted, That the provisions of this Ordinance shall be  
36 construed retroactively and shall be applied to and interpreted to affect stormwater  
37 remediation fees billed and paid for applicable properties for Fiscal Year 2014.

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39           SECTION 5. *And be it further enacted,* That this Ordinance shall take effect 45 days  
40 from the date it becomes law.